

ITEM No ...6.....

REPORT TO: CITY DEVELOPMENT COMMITTEE – 27 MARCH 2017

REPORT ON: CONSULTATION ON THE FUTURE OF THE SCOTTISH PLANNING SYSTEM

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 80-2017

1 PURPOSE OF REPORT

1.1 The purpose of this report is to inform Committee that the Scottish Government is consulting on proposals to change the planning system in Scotland and to seek approval of the Council's response.

2 RECOMMENDATION

2.1 It is recommended that the Committee approves the responses on the Scottish Government's consultation on proposals to change the planning system in Scotland as set out in Appendix 1 to this report.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications for the Council in terms of this report.

4 BACKGROUND

4.1 In 2015 Scottish Ministers commissioned an independent panel to undertake a review of the planning system. The panel's report considered 6 key themes and set out 48 recommendations designed to rationalise, improve and modernise the planning system.

4.2 To explore the practicalities and interdependencies of implementing these recommendations Scottish Ministers are now consulting on a White Paper, "Places, People and Planning", that will enable a Planning Bill to be brought forward in 2017. This White Paper was published on 10 January 2017. Views are sought on the proposed changes by 4 April 2017.

4.3 Scottish Ministers have identified 20 proposals for improving the planning system across 4 key areas of change.

Making Plans for the Future

4.4 The paper states that the Scottish Government wants Scotland's planning system to lead and inspire change by making clear plans for the future. Proposed changes include better alignment between community planning and spatial planning; replacing strategic development plans (ie TAYplan) with improved regional partnership working; improvements to national spatial planning to better reflect regional priorities; and strengthening of local development plans.

4.5 Proposals to strengthen local development plans include increasing the plan period from 5 to 10 years and removing the 'main issues report' stage from the development plan preparation process.

4.6 Proposals to require local development plans to take account of community planning are welcomed and it is noted that Dundee already aligns its spatial and community plans.

Improved regional partnership working is an approach that can deliver cross boundary strategic outcomes as demonstrated by the rapid progress made by the Tay Cities Deal.

- 4.7 It is considered that SPP and NPF already have sufficient weight in decision making and that the proposed reforms should instead be working towards a one place, one plan approach.
- 4.8 The plan review cycle should not be lengthened to 10 years. If it is increased then there must be the opportunity to review elements of the plan between review cycles to ensure that the plan remains up to date.
- 4.9 Proposals to remove the Main Issues Report stage from development plan preparation risk reducing the level and quality of community engagement. Our experience is that early engagement using the right tools, such as the Place Standard, results in more effective engagement.
- 4.10 The other proposals in this section of the consultation paper are generally welcomed. The Council's formal response to the consultation is set out in Appendix 1.

People Make the System Work

- 4.11 The paper states that the Scottish Government wants Scotland's planning system to empower people to decide the future of their places. Proposed changes include giving communities the powers to prepare local place plans that would become part of the development plan; measures to get more people involved in planning, particularly children and young people; measures to improve public trust such as improving pre-application consultations; and keeping decisions local by having more review or appeal decisions made by local authorities rather than centrally.
- 4.12 Local place plans are not supported as they would create an unnecessary and additional layer of plan making. With a Local Development Plan and Local Community Plans already in place the addition of a further plan may lead to repetition, conflict and confusion for the community.
- 4.13 Exploring new measures to get more people involved in planning is supported. Any new measures must appreciate that communities tend to get involved in those issues that interest them; therefore providing adequate opportunities in the preparation of the Local Development Plan will ensure public involvement in shaping the future of an area. Engagement methods such as the Place Standard Tool should be used as part of plan preparation to capture not only land use planning issues but social issues as well.
- 4.14 Public trust in the planning system can be improved through enhancing pre-application engagement, perhaps by requiring a second public meeting between the developer and community. This is an opportunity to demonstrate how comments have been taken on board and require developers to undertake more meaningful engagement with a community.
- 4.15 Increasing the number of review decisions made locally would increase pressure on council resources both in terms of the management of review cases and attendance by officers and Review Body Members. It may be necessary to streamline these procedures.
- 4.16 The other proposals in this section of the consultation paper are generally welcomed. The Council's formal response to the consultation is set out in Appendix 1.

Building More Homes and Delivering Infrastructure

- 4.17 The paper states that the Scottish Government wants Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. Proposed changes include requiring local development

plans to be clearer about how much housing land is required, with perhaps more national or regional involvement in determining the requirements; closing the gap between planning consents and delivery of homes by requiring local authorities to actively help to deliver development by taking an infrastructure first approach and exploring innovative ways of funding and delivering infrastructure. The paper suggests that a new national infrastructure agency could take on this role.

- 4.18 Some changes to the housing land requirement process are welcomed as it is agreed that there is too much of a focus on debating exact housing numbers rather than on the delivery of quality homes. The changes outlined in the consultation paper suggest that housing figures would be calculated at a national level in the National Planning Framework. It is not clear how this and associated timescales would allow local development plans to give certainty to the housebuilding sector and get people more involved in planning their local areas.
- 4.19 Dundee City Council is already a pro-active local authority which has been praised for the innovative infrastructure approach it has taken to actively deliver new homes in Western Gateway and Whitfield. Whilst a new national approach may address problems elsewhere in Scotland it may add unnecessary layers of bureaucracy to Dundee. There is also the question of priority and how a national agency would rank a housing site in Dundee against sites elsewhere in Scotland.
- 4.20 The other proposals in this section of the consultation paper are generally welcomed. The Council's formal response to the consultation is set out in Appendix 1.

Stronger Leadership and Smart Resourcing

- 4.21 The paper states that the Scottish Government wants to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. Proposed changes include measures to improve skills and performance within the planning system; measures to make for more efficient decision making by removing the need for planning consent from a wider range of developments; and encouraging greater use of information technology such as three dimensional visualisations to improve public engagement in the planning system.
- 4.22 Measures to improve skills and performance should continue to build on the knowledge and experience created through developing e-planning, which brought together a wide range of stakeholders to improve the planning service. Education within the profession is a critical element to ensure it has the skills required to deliver outcomes. The planning profession's required skillset is broadening and therefore training courses and support should be provided to ensure the profession has the necessary skillset.
- 4.23 Appropriate resourcing of the planning service is key to delivering the Government's aims and outcomes. Measures should include ensuring the actual costs of the development management process are fully met by planning fees and that the local authorities are well resourced.
- 4.24 Dundee is already using information technology including three dimensional visualisations on major projects such as the Central Waterfront and the flood defences to improve public engagement and understanding. Proposals to support the wider use of this technology are welcomed.
- 4.25 The other proposals in this section of the consultation paper are generally welcomed. The Council's formal response to the consultation is set out in Appendix 1.

5 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, the Executive Director of Corporate Services and Head of Democratic and Legal Services have been consulted and are in agreement with the contents of this report.

7 BACKGROUND PAPERS

- 7.1 Places, People and Planning: A Consultation On The Future of The Scottish Planning System - Planning and Architecture Division, The Scottish Government.

Mike Galloway
Executive Director of City Development

Gregor Hamilton
Head of Planning & Economic Development

GH/GSR/AH/KM

16 March 2017

Dundee City Council
Dundee House
Dundee

Appendix 1:

Section 1: Making Plans for The Future

KEY QUESTION

A: Do you agree that our proposed package of reforms will improve development planning?

Please explain your answer.

The proposed package of reforms does go some way to improving development planning but some of the proposals may reduce the quality of the development plan. We are supportive of proposals to require local development plans to take account of community planning. Dundee has for several years successfully integrated its development plan and community plan, ensuring that the development plan, as the council's land use strategy, delivers on the physical elements of the Community Plan and Local Community Plans.

We agree that too much time is spent preparing strategic development plans rather than delivering, and that improved regional partnership working is an approach that can deliver cross boundary strategic outcomes as demonstrated by the rapid progress made by the Tay Cities Deal.

We consider that SPP and NPF already have sufficient weight in decision making and that the proposed reforms should instead be working towards a one place, one plan approach.

The plan review cycle should not be lengthened to 10 years. If it is increased then there must be the opportunity to review elements of the plan between review cycles to ensure that the plan remains up to date.

Proposals to remove the Main Issues Report stage from development plan preparation risk reducing the level and quality of community engagement. Community engagement must happen at an early stage in order to influence the shape of plans and proposals. Our experience is that early engagement using the right tools, such as the Place Standard, results in more effective engagement. The proposed changes leave little opportunity, too late in the process for the public to influence the shape of the development plan.

Proposals to add an early gate check to the process are welcomed if the intention is for this to ensure consistency with SPP and NPF at this early stage rather than by a Reporter at examination. This would allow the examination to focus on unresolved issues raised, rather than examination time spent discussing compliance with NPF and SPP.

Requiring information on the feasibility of proposed site allocations could add another layer of complexity to the site allocation process. Instead we suggest that the call for sites process is formalised with a requirement for relevant and proportionate information to be submitted to allow early assessment of sites.

1. Do you agree that local development plans should be required to take account of community planning?

SPP already states that effective integration between the two is crucial and there is scope within the current arrangements for this to happen. If this becomes a requirement then it must be a two way process.

Development planning, as the council's land use strategy, should deliver on the land use elements of the Community Plan and Local Community Plans. There is also a reciprocal need for community plans to take account of development planning.

The Dundee LDP already takes account of the spatial/land use elements of the Community Plan and Local Community Plans. The LDP strategy aligns with the Community Plan and has done for over 10 years and two development plans.

Below the Community Plan, Dundee has 8 local community plans covering the entire city, developed and monitored by Local Community Planning Partnerships (LCPPs) in each area. The LCPPs contain representation from council departments, public bodies and community groups. They are

responsible for preparing a Local Community Plan which contains a range of local issues including land use issues. Where possible these issues feed into the LDP process. Similarly issues raised during the LDP consultation that can be tackled by the LCPP feed into the next review of the Local Community Plan. There is there no need for need for separate Place Plans.

Actions to better align the timing of the preparation of the two plans would be welcomed.

2. Do you agree that strategic development plans should be replaced by improved regional partnership working?

Agree that too much time is spent on plan preparation rather than delivering. The Tay Cities Deal is demonstrating a way that the authorities can work together to deliver strategic and cross boundary objectives. There is a need to declutter the number of plans and move to an increased emphasis on delivery of agreed objectives and actions.

2(a) How can planning add greatest value at a regional scale?

Planning already adds value at a regional scale. Within the current TAYplan area, planning can add greatest value in identifying the regional priorities, coordinating the relevant delivery partners and monitoring the effective outcomes and refining processes and projects.

2(b) Which activities should be carried out at the national and regional levels?

National Planning should bring together all government activity which is driven by, or drives planning outcomes.

Regional planning should understand key national priorities in the context of functional systems within a (city) region. These matters are best examined, agreed, planned for and implemented by local authorities together in partnership or individually.

2(c) Should regional activities take the form of duties or discretionary powers?

Would seem sensible to make these activities a duty to avoid situations where there is a disagreement between local and regional bodies. The structure of the strategic planning authority and the duty on partners worked well. A similar approach would also work for regional planning. However wider involvement in regional planning may require changes to the structure of other bodies i.e. regional transport authority or enterprise agency.

2(d) What is your view on the scale and geography of regional partnerships?

Current City Regions seem sensible and established. Regional planning has worked well within the TAYplan area and has delivered regional partnership working i.e. Tay Cities Deal.

Regional transport bodies should be integrated with regional planning and economic development arrangements.

2(e) What role and responsibilities should Scottish Government, agencies, partners and stakeholders have within regional partnership working?

Scottish Government should oversee the partnership arrangements.

As with the current system there should be a duty on Scottish Government agencies to participate in the process. Other partners and stakeholders should have a similar duty to ensure all parties fully participate and collaborate on the planning and delivery of shared outcomes.

3. Should the National Planning Framework (NPF), Scottish Planning Policy (SPP) or both be given more weight in decision making?

Don't see any issues with the current weight. Both form part of an established and logical policy hierarchy which allows for local application of national policy principles.

If the intention is for SPP to include more policy and for this to replace many LDP policies then this could unnecessarily complicate matters. Preference is for a single source of local policy (as per 1.29) i.e. an LDP that reflects SPP policy taking account of local circumstances where appropriate.

Scotland is too diverse to have a one size fits all policy document. Giving SPP more weight would still need local interpretation. The current policy principle approach with associated requirements seems to work as it shows the direction that local policy should take and ensures consistency across the country.

Paragraph 1.27 refers to LDPs acting as rule books with detailed and repetitive policies. Unfortunately it will always be necessary to have an element of 'rules' and detailed policies. Attempts to create more concise plans and policies have simply generated more rule books and more detailed interpretation in the form of Supplementary Guidance.

The paper later refers at 1.29 bullet point four to making sure that 'people can find out everything they need to know about the future of their area in one place'. We support this **"one place, one plan"** approach.

3(a) Do you agree with our proposals to update the way in which the National Planning Framework (NPF) is prepared?

We welcome the suggested proactive approach to updating the NPF during the proposed 10 year cycle. If the plan period for LDPs is also extended, there must also be a mechanism for parts of LDPs to be reviewed during the plan period to ensure that they are not out of date on adoption of a new NPF, particularly if the NPF is to have a regional focus. Ideally the timescales for preparing both would be aligned, but we recognise that this may not be achievable give the difficulties it would present for DPEA.

4. Do you agree with our proposals to simplify the preparation of development plans?

The proposals to simplify the preparation of development plans will remove the Main Issues Report (MIR), a key stage for engaging with communities and the principal opportunity for most stakeholders to shape and influence the LDP.

Scottish Government's Planning Advice Note 3/2010 Community Engagement states in the box at paragraph 10 that "Community Engagement must happen at an early stage to influence the shape of plans and proposals." Dundee City Council supports early engagement and is concerned that this proposal will reduce the quality of engagement and in turn the quality of development plans.

Paragraph 1.28 proposes waiting until a draft plan is published before undertaking the first public consultation. This would leave many stakeholders with what appears to be only one opportunity to influence the plan and at a point in the process where they would potentially be unable to significantly influence the plan. Waiting until a draft plan is published is too late in the process and would actually reduce public involvement in the plan preparation process, contrary to current efforts to increase engagement. Presenting communities with what will appear to them to be a finalised plan gives the impression that it is a 'fait accompli' and the subsequent level and quality of engagement will be poor.

The reasons set out at 1.31 for adding an early gate check to the LDP preparation are that it is difficult to address any significant issues that are outstanding at this stage. Yet the 1.29 proposals suggest removing the early opportunity for communities to engage in the process leaving them to raise significant issues later, where they will either decide not to engage or they may raise significant issues that are difficult to address at that stage. This would appear to be contradictory.

We note an ombudsman case where the complaint was that there was not enough consultation at the early stage of the LDP. The complaint was dismissed but the point is that some already feel that there is insufficient statutory consultation at the early stages of plan preparation.

Our experience in Dundee is that most communities and developers do understand the plan preparation process and that they do properly engage in the process. The MIR stage has proven to be an effective way of engaging if the right engagement tools are used. Our SAQP award winning approach to using the Place Standard secured more effective engagement at the MIR stage and we were able to take the output from the consultations and use it to shape the draft plan.

Ahead of the MIR stage we have also run a 'Call for Issues' and a 'Call for Sites' in order to engage early with stakeholders and gather their thoughts and views before embarking on the MIR preparation.

If the MIR stage is to be removed then replacing it with a formal Call for Sites and Issues stage would ensure that the community has an opportunity to influence the shape of the plan. The views of all interested parties could then be built into the preparation of the draft plan. Replacing the MIR with a draft plan with preferred options would create an overly complex document that would be time consuming, significantly increasing the time taken to prepare the draft plan.

If the intention here is to reduce the time spent preparing the development plan, our view is that removing the MIR stage would potentially save around 6 months, which is a small amount of time over the life of a plan, particularly if the plan period is extended to 10 years. Replacing it with a formal Call for Sites and Issues stage could be a more efficient way of obtaining the views of stakeholders.

4(a) Should the plan review cycle be lengthened to 10 years?

No. The current 5 year plan review cycle should be maintained.

If the plan review cycle is increased to 10 years then the proposals should include the ability to review and update separate elements as suggested by question 4b. Without this proviso a 10 year review cycle is too long a gap between reviews. By the time the review begins in year 8, the basis of the plan will be circa 10 years old and arguably out of date. Matters such as a changing economy, population changes and policy changes i.e. an updated NPF or SPP, would all add weight to argument that the plan is out of date.

The LDP would potentially need to allocate a 15 year supply of housing land. This will increase the work required to prepare the plan and may bring in to question just how effective the supply would be both at plan preparation stage and towards the end of the plan period.

4(b) Should there be scope to review the plan between review cycles?

Allowing interim updates of parts of the LDP such as the housing section would be a sensible approach. The trigger for a full or partial review would be a significant change in Council policy or national policy.

The partial review process would include a gatecheck by the local authority to ensure compliance with national and regional policy ahead of a public consultation, with the Proposed Plan requiring sign off from Scottish Government before being formally adopted. This would be a efficient approach that would ensure plans could be updated quickly in between the longer review cycle.

4(c) Should we remove supplementary guidance?

Supplementary Guidance should be removed. The system is time consuming and inflexible. Further guidance can always be prepared if required and given weight as a material planning consideration.

5. Do you agree that local development plan examinations should be retained?

Yes. They should be reduced in length to a maximum of six months.

5(a) Should an early gatecheck be added to the process?

A gate check could be beneficial if it is to ensure that the plan is consistent with the NPF and SPP at this early stage rather than by a Reporter at examination. This would allow the examination to focus on unresolved issues raised by the public and other interested parties rather than examination time spent discussing compliance with NPF and SPP.

Potentially this could actually save time if the process is well structured with appropriate timescales.

5(b) Who should be involved?

Scottish Government and Key Agencies would check for consistency with NPF and SPP. We do not see a need for a citizen's panel or other community involvement in the gate check stage.

5(c) What matters should the gatecheck look at?

Compliance with statutory requirements, NPF, SPP and regional strategies in whatever form they take. Infrastructure providers could also be involved to ensure large scale land allocations are aligned with strategic infrastructure timescale. Local Authorities would prepare background papers to justify their approach in the draft plan.

5(d) What matters should the final examination look at?

Representations from interested parties and any unresolved issues arising from the gatecheck process. It would be expected that these unresolved issues would be minimal.

5(e) Could professional mediation support the process of allocating land?

No. This is what council planning officers do. They mediate between opposing views to reach a solution that is in the wider public interest. Local democracy also has to play a part in plan preparation with Members having the final say on land allocations. Professional mediation is likely to add additional cost and time and may not produce an acceptable resolution.

6. Do you agree that an allocated site in a local development plan should not be afforded planning permission in principle?

An allocation in LDP is already a very strong signal that the principle is acceptable. In most cases applicants realise this and move straight to full planning application.

We agree that an allocated site in a local development plan should not be afforded planning permission in principle. Doing so is unlikely to add sufficient benefit and would likely be complex with a significant amount of upfront work required. It may also result in lengthy technical LDP examinations fuelled by competing developers.

7. Do you agree that plans could be strengthened by the following measures:

7(a) Setting out the information required to accompany proposed allocations

It may be helpful for Scottish Government to set out the minimum level of information that should accompany proposed allocations, but to allow some flexibility for LAs to require additional information as they deem appropriate. This would improve consistency across Scotland.

7(b) Requiring information on the feasibility of the site to be provided

Setting a minimum and importantly a proportionate level of information could reduce the level of upfront work required.

We suggest that the call for sites process is formalised, requiring relevant and proportionate information to be submitted which would allow early assessment of sites.

There is potential for developer supplied information to be overly positive in order to secure allocation. By formalising the feasibility of sites there is some concern that feasibility could be contested by competing developers and that this could in turn extend the examination process.

7(c) Increasing requirements for consultation for applications relating to non-allocated sites

Whilst consultation is supported we do not see what this would add in practice other than further raising community expectation and adding more time to the planning and development process. The proposal should instead consider reducing the requirement for consultation for applications relating to major development on allocated sites.

7(d) Working with the key agencies so that where they agree to a site being included in the plan, they do not object to the principle of an application

In practice, at the LDP stage key agencies may agree in principle subject to measures to overcome constraints. If those measures are not then implemented at application stage then there must be a mechanism to object to the application. There may also be a change in circumstances that would result in a Key Agency changing its view.

8. Do you agree that stronger delivery programmes could be used to drive delivery of development?

Stronger delivery programmes need to be supported by a commitment or duty on partners, particularly infrastructure providers to deliver. In practice access to funding by local authorities, agencies and developers will largely dictate the speed of delivery.

The current action programme could be enhanced with an increase in commitment from all parties rather than an additional delivery plan.

Proactive councils that wish to see their spatial strategy delivered should be working at a cross service level and in partnership with government and other delivery partners to realise the outcomes set within the development plan and, assuming it is aligned, the Local Outcome Improvement Plan.

8(a) What should they include?

Should be similar to the action programme, but backed up by commitment or a duty for partners to deliver.

Section 2: People Make The System Work

KEY QUESTION

B: Do you agree that our proposed package of reforms will increase community involvement in planning? Please explain your answer.

Communities tend to get involved in those issues that interest them. Providing adequate opportunities in the preparation of the Local Development Plan will ensure public involvement in shaping the future of an area. The Main Issues Report (MIR) is the key consultation stage in the plan preparation. It allows community involvement before any decisions are made by the Council and could therefore be changed and influenced by the public. Replacing it with a draft plan is a backward step in meaningful engagement with the content already agreed and limited changes that can be made as a result of consultation.

Meaningful engagement can be encouraged through the MIR or a new pre-Draft Plan stage through a formal call for sites and issues to engage the public from the outset, ensuring their involvement in forming and shaping the plan.

Engagement methods such as the Place Standard Tool should be used as part of plan preparation to capture not only land use planning issues but social issues as well. The holistic nature of the Place

Standard Tool has enabled its widespread use throughout Dundee with the Local Community Plans.

Local Community Plans cover the 8 ward areas within the city, identifying issues, how they can be addressed and who is responsible. They are a more appropriate and meaningful reflection of the communities they represent than the Local Place Plans would be. Local Place Plans are not something we would support and would be considered an unnecessary layer of plan making when the Local Development Plan and Local Community Plans are already in place and may lead to conflict and confusion for the community.

To improve public confidence in the planning system there is an opportunity through improvements to the PAC procedures. The requirement for a second public meeting by the developer with the community would provide an opportunity to demonstrate how their comments have been taken on board. It would also require developers to demonstrate how they have carried out meaningful engagement with a community.

Furthermore the removal of a “free go” would encourage a “right first time” approach from applicants. More effective pre-application discussion would be required to ensure what is submitted is a good quality. An increase in fees would be justified by including pre-application advice within the cost and to enable a more timely determination period.

With a move to encourage more appeals to be determined through a Local Review Body it should be noted that the current procedures are currently time and resource intensive. Further consideration should be given to streamlining the LRB process and we also ask that consideration be given to increasing planning application fees so that a proportion of all fees would cover the cost of all planning appeals and other planning duties such as monitoring of planning conditions.

9. Should communities be given an opportunity to prepare their own local place plans?

Through the preparation of the Main Issues Report (MIR) and subsequent Proposed Plan, Communities already have an opportunity to engage in the preparation of a plan for the area they live. The MIR allows an opportunity to raise issues within an area and look at options for the future before the Council makes any decisions. This therefore allows communities to inform how the future of the area will look. This could be further enhanced through work at Pre-MIR using consultation methods such as the Place Standard Tool to engage communities within the process. Using the Place Standard would allow an opportunity for communities to look at the place they live in a holistic way, thinking about the built environment, natural environment as well as impact on social interaction and health and wellbeing. More collaborative working with Community Planning would enable issues raised within the Place Standard consultation to be embedded in Local Community Plans which has a broader remit than the Local Development Plan (LDP). Through an integrated approach between Community Planning and Spatial Planning there would in essence be a Local Place Plan which would meet statutory requirements, would have scope for implementation and would commit to how projects and change could happen.

Local Community Plans within Dundee are informed by extensive consultation to engage communities in identifying the issues and working towards action within their area. Using the Place Standard Tool a city wide consultation was carried out and the results will be used to update the current Local Community Plans. The content of these Local Community Plans has been considered in the preparation of the Local Development Plan to identify land use issues within the city. Collaborative working already exists between Community Planning and Spatial Planning at Dundee City Council to ensure communities are involved in the preparation of both plans.

Whilst Local Plan Plans could work for small settlements with clear identity of who the community are, it is much more difficult in a City/Urban setting. With a Local Development Plan and Local Community Plans for the 8 wards within Dundee a Local Place Plan would just be a further layer of plan making which may lead to confusion, repetition and conflict with existing plans for the City.

9(a) Should these plans inform, or be informed by, the development requirements specified in the statutory development plan?

9(b) Does Figure 1 cover all of the relevant considerations?

Local Place Plans (LPPs) would require communities to understand the statutory process, what a local development plan is seeking to do and how the local place plan would fit in to this. In addition the timescales would have to align in order for the LPP to be adopted as part of the LDP. This would require a co-ordinated approach between the Local Authority and the Community to enable this to happen in an effective and timely manner.

The proposal that Local Authorities could refuse to adopt on the basis that “the plan opposes the wider aims of the LDP” would undo the community empowerment and trust that the LPPs are trying to achieve therefore there would need to be a clear indication of expectation of LDP alignment at the outset with the community. There is an operational risk that LPPs could build up local expectation about projects that have no hope of delivery or unreasonably block development. This process effectively sets up conflict where communities choose a route which is inconsistent with an adopted LDP. This would set the planning system up for conflict rather than using it to overcome it through allowing proponents of a plan to go almost all the way to completion before hearing the result.

In order to facilitate the preparation and co-ordination of the LPPs and LDPs there would need to be a level of facilitation from the Local Authority with the community group which would raise the issue of how resource intensive this would be. This would just be a duplication of work and effort carried out in the preparation of the Local Community Plans and Local Development Plan.

10. Should local authorities be given a new duty to consult community councils on preparing the statutory development plan?

Dundee City Council already consults with Community Councils at each stage of the preparation of the plan and provides presentations and support to enable them to respond to consultations.

10(a) Should local authorities be required to involve communities in the preparation of the Development Plan Scheme?

Involving communities in the preparation of the Development Plan Scheme would raise the question how much value this would add to the process and the subsequent unnecessary delay. The Development Plan Scheme is the Council’s commitment to consultation therefore the onus is on the Council to ensure they take all necessary steps to engage with various communities through the preparation of the content of the plan. It may be more appropriate to request the Local Authority to specify more detail within its Participation Statement of who and how it will consult at the various stages which would subsequently be assessed through the Statement of Conformity.

The Development Plan Scheme at Dundee City Council is currently agreed through the Executive Director of City Development and reported to the relevant Committee for Elected Members to approve the content. The content is therefore subject to scrutiny to ensure the Council has made a commitment to undertake appropriate consultation.

11. How can we ensure more people are involved?

Involvement in planning is not just a question of more people but rather about what effective engagement can be achieved and the need to deal with competing demands and aspirations.

Dundee City Council carries out a wide range of consultation through the preparation of the LDP. As well as the statutory requirements the Council seeks to reach as many interested groups, communities and individuals as it can with drop in events, public exhibitions as well as workshops. The successful use of the Place Standard Tool for workshops as part of the MIR consultation with young people, the elderly and BME community was recognised as good practice through the Scottish Awards for Quality in Planning 2016. This method enabled positive engagement and discussion as part of the LDP preparation; therefore, there may be a further opportunity to use the Place Standard at Pre-MIR stage to engage communities when identifying issues within the City. The undertaking of

an Equality Impact Assessments at Dundee has assisted in identifying and monitoring the methods of engagement and any barriers that particular groups may face and ensuring we are reaching seldom heard groups.

More engagement means more resources and time are required. A requirement/duty on planning authorities will not guarantee it being effective. The issue is more about the culture change for planners and the interested parties.

11(a) Should planning authorities be required to use methods to support children and young people in planning?

Yes. Tools and opportunities already exist with the educational curriculum covering geography and modern studies. Much of the work done particularly in secondary is looking at planning but the curriculum needs to introduce planning terminology so that it is part of everyday language. Resources and efforts to introduce planning with in schools as part of the curriculum would have a more effective impact rather than adding another bureaucratic function/duty in to the planning system. Dundee City Council already seeks to reach children and young people to engage them in the LDP preparation as well as to encourage active citizenship within the city.

Through the use of the Place Standard Tool during the MIR consultation officers worked with the Youth Council, Pupil Council and a local Youth Charity. Officers are involved in the TAYplan Youth Camp helping to reach school aged young people in the wider Tayside area. There is also Officer involvement in school projects to enable understanding of LDP and development management processes e.g. Class project on the Western Gateway.

12. Should requirements for pre-application consultation with communities be enhanced?

Please explain your answer(s).

Yes, current practice is generally the legislative minimum requirements. Encouragement to undertake more effective engagement should be a statutory requirement.

12(a) What would be the most effective means of improving this part of the process?

The requirement for the developer to hold a second public meeting would demonstrate genuine involvement. It should be a legislative requirement to undertake this to demonstrate how the developer has taken on board comments and issues raised by the community and to provide feedback.

12(b) Are there procedural aspects relating to pre-application consultation (PAC) that should be clarified?

The requirement for a public meeting should be enhanced to ensure that a meeting is held in public covering morning/afternoon/evening to ensure sufficient time to participate; existing requirements would mean a developer could hold a 1 hour meeting and meet the legislative minimum. Dundee encourages developers to hold a whole day event in to early evening which is generally well received.

12(c) Are the circumstances in which PAC is required still appropriate?

Yes the current circumstances for major applications are appropriate. However, there may be circumstances where exceptions may be made such as where a minor change is proposed to a major consent, a requirement to go through a PAC would not be deemed appropriate.

12(d) Should the period from the serving of the Proposal of Application Notice for PAC to the submission of the application have a maximum time-limit?

There should be a maximum timeframe set between carrying out PAC and submitting an application. Twelve months would be deemed a suitable timeframe to ensure that the content of the consultation is still valid.

13. Do you agree that the provision for a second planning application to be made at no cost following a refusal should be removed?

Yes, makes the developer think more seriously about the content of what is being submitted to ensure the detail and information is at a reasonable level for determination.

Agree "right first time" approach

Encourage more effective pre-application discussion

Once application is in more about processing than detail of design and layout which should be picked up in pre-application.

Resource implication of determining the second application for no fee.

14. Should enforcement powers be strengthened by increasing penalties for non-compliance with enforcement action?

Any strengthening of enforcement powers would be welcome such as charging a higher fee for a retrospective planning application and charging orders similar to those available in building standards would ensure costs are recovered from the person responsible.

Needs to be a stronger mechanism to ensure fixed penalties are paid. Should be easier for a Planning Authority to recoup the cost.

Enforcement powers are not always an effective deterrent to unlawful development.

15. Should current appeal and review arrangements be revised:

Yes. Current appeal and review arrangement should be revised to provide a more streamlined LRB approach across all Local Authorities areas. Currently legislation requires that all decisions be made in public; this means that a full LRB committee meeting is necessary to agree to undertake a site visit. Where committees are held monthly – this is adding an extra four weeks to the timescale. Consideration therefore needs to be given to procedures for site visits to ensure these do not cause delay. The same issue applies to any calling of specialist evidence etc. Taking procedural decisions out of the public process would have a dramatic impact. Local Review Bodies have no upper time limit on making decisions – The speed of a decision is extremely important to an applicant and a streamlined system would be beneficial in addressing this concern.

15(a) for more decisions to be made by local review bodies?

This is possible but would require better resourcing of Review Bodies and a review of the current statutory procedures to make them more effective/efficient. A clearer approach would be if Listed Building Consent and Advertisements consents followed the same process.

15(b) to introduce fees for appeals and reviews?

Currently the Review system is completely unfunded but does involve considerable cost to an authority. The introduction of fees would be a welcome measure in offsetting this cost.

Further consideration should be given to increasing planning application fees so that a proportion of all fees would cover the cost of all planning appeals and potentially other planning duties such as monitoring of planning conditions.

As with the review of fees associated with planning applications there is likely to be an expectation of improved performance. At present the procedures for Review Bodies is not efficient and elements add considerable delay and costs to the process, often with negligible if any benefit.

15(c) for training of elected members involved in a planning committee or local review body to be mandatory?

Yes. Dundee City Council already undertakes training for all elected members on review bodies and considers it an essential measure in order to ensure a high standard in decision making.

If measures are taken to increase the range of applications that can be considered by review then an increased training will be necessary.

15(d) Do you agree that Ministers, rather than reporters, should make decisions more often?

Depending on the scale of the decision, Ministers may have more of a role on developments of national significance or have been identified within the NPF3 as a National Development.

16. What changes to the planning system are required to reflect the particular challenges and opportunities of island communities?

No comments.

Section 3: Building more homes and delivering infrastructure

KEY QUESTION

C: Will these proposals help to deliver more homes and the infrastructure we need?

Please explain your answer.

The paper states that the Scottish Government wants Scotland's planning system to help deliver more high quality homes and create better places where people can live healthy lives and developers are inspired to invest. Proposed changes include requiring local development plans to be clearer about how much housing land is required, with perhaps more national or regional involvement in determining the requirements; closing the gap between planning consents and delivery of homes by requiring local authorities to actively help to deliver development by taking an infrastructure first approach and exploring innovative ways of funding and delivering infrastructure.

It is agreed that there is too much of a focus on debating exact housing numbers rather than on the delivery of quality homes. Some changes to the housing land requirement process are therefore welcomed.

The changes outlined in the consultation paper suggest that housing figures would be calculated at a national level in the National Planning Framework. It is not clear how this and associated timescales would allow local development plans to give certainty to the housebuilding sector. It is considered that housing land requirements should still be set by local authorities and could be part of the proposals for Regional Partnership working.

Dundee City Council is already a pro-active local authority which has been praised for the innovative infrastructure approach it has taken to delivering new homes on brownfield and greenfield sites. Whilst a new national approach may address problems elsewhere in Scotland it may add unnecessary layers of bureaucracy to local authorities like Dundee and as a result may not have the desired effect of housing delivery.

17. Do you agree with the proposed improvements to defining how much housing land should be allocated in the development plan?

Agree with the consultation paper that there is too much of a focus on debating exact housing numbers rather than on the delivery of new homes. Upfront agreement on housing numbers with regional and local input and Scottish Government approval would assist towards allowing a renewed focus on housing delivery.

It is unclear from the consultation paper the extent of the proposed improvements and further details are required to understand how an enhanced NPF would provide an 'aspirational approach' to setting housing figures that would allow for flexibility at a local level but at the same time would provide certainty to developers for a 10 year period. This approach would not result in less debate as it would open the requirements for LDPs to justify their compliance with NPF at point of examination. It is also unclear how this approach would deliver improved outcomes or increase housing delivery.

It is unclear who would undertake the HNDA and what the local/regional input would be. HNDAs could be prepared by Regional Partnerships for their areas. This could then be prepared as part of the draft plan stage and signed off by the proposed "Gate Checking" stage. This would remove debate at the examination stage of the Plan.

The proposal to monitor housing land availability through the publication of an online housing sites register is supported.

DCC currently produce an updated housing land map that monitors progress of sites every 6 months and this approach has received positive feedback from housebuilders.

18. Should there be a requirement to provide evidence on the viability of major housing developments as part of information required to validate a planning application?

Yes, if the intention is for this evidence to demonstrate that the development is effective or capable of becoming effective within the lifetime of a 3 year planning permission. It should solely focus on identifying and addressing issues that may prevent the site from being developed.

If there is a statutory requirement to submit development viability information to validate major applications then it should be ensure that the required level of information would be reasonable and proportionate. Disproportionate requirements may discourage developers from taking on more difficult sites as there may be significant upfront costs ahead of preparing a planning application.

19. Do you agree that planning can help to diversify the ways we deliver homes?

19(a) What practical tools can be used to achieve this?

Planning can play a role of encouraging and facilitating alternative methods of housing delivery. Planning can encourage innovative approaches to housing delivery, build to rent/PRS, self build projects and off site construction can be supported through a number of ways such as a supportive policy framework and the front funding of infrastructure to allow confidence to a range of developers to deliver housing.

Further financial and legislative support and removing barriers to land assembly (such as timescales for CPOs) would allow planning to lead on strategic housing delivery as outlined in the LDP.

20. What are your views on greater use of zoning to support housing delivery?

20(a) How can the procedures for Simplified Planning Zones be improved to allow for their wider use in Scotland?

20(b) What needs to be done to help resource them?

The allocation of land for housing within the LDP should already give the developer confidence that the principle of housing would be supported. The LDP process and site allocation is a commitment from local members and permission should not be refused on the grounds of principle once site has been agreed for inclusion in the LDP unless there has been a material change in circumstances.

It is unclear how Simplified Planning Zones would result in an increase in housing delivery. The input required to set a framework for each SPZ area could be considerable. In comparison to the existing way of working it is unlikely that the SPZ approach would result in a quicker decision, an increase to housing delivery or a higher quality of placemaking.

It is unclear how developers would contribute to infrastructure requirements within a SPZ area and more details would be required as to how a proposed infrastructure levy approach would operate. Further evidence that the SPZ approach can effectively deliver housing would be required as there

are currently concerns over the considerable input from the Council in terms of establishing the design codes/framework and the subsequent correspondence and meetings with developers when appraising their proposed SPZ developments. Without the requirements for a planning application there is no fee payable by the developer and this would not result in any cost recovery and seems to be in contrast to the recent Scottish Government consultation on increasing the maximum planning fees.

The Council do welcome the 3 SPZ housing pilot projects that will be occurring across Scotland as these should provide an indication of the success of the SPZ approach and the resources required to facilitate them.

21. Do you agree that rather than introducing a new infrastructure agency, improved national co-ordination of development and infrastructure delivery in the shorter term would be more effective?

There may be some opportunity to bring together national providers but this relies heavily on work of regional partnerships in preparing infrastructure audits. This shifts the balance of resourcing to local government and the balance of decision making to Scottish Government. There is a need to ensure that local priorities are recognised as national bodies may focus on the large infrastructure schemes.

Improved national co-ordination of development and infrastructure would be helpful in the short term. The organisations working together could eventually form an infrastructure coordination body at national level.

22. Would the proposed arrangements for regional partnership working support better infrastructure planning and delivery?

22(a) What actions or duties at this scale would help?

There should be a regional infrastructure strategy prepared by regional partnerships that builds on the National Planning Framework and incorporates City Deal projects where they exist. A regional strategy that would align regional priorities with existing local authority functions and strategies and also have the ability to financially support key projects would result in improved infrastructure planning and delivery.

Further details would be required as to who would finance infrastructure; would this be funded through an infrastructure levy and at what level would this occur - national, regional or local.

23. Should the ability to modify or discharge Section 75 planning obligations (Section 75A) be restricted?

The fundamentals of delivering infrastructure and/or making financial contributions should not normally be able to be re-negotiated. However there are situations where layouts are altered and additional units proposed and where planning permission would be granted for this it makes sense that a Section 75 can be amended to reflect these changes.

A potential time restriction could be introduced where S75 planning obligations could only be modified after an agreed period of time has elapsed.

Consideration should also be given to reducing the opportunity to appeal S75 obligations. As an immediate appeal of a S75 obligation could undermine the basis of the planning decision.

**24. Do you agree that future legislation should include new powers for an infrastructure levy? If so,
24(a) at what scale should it be applied?
24(b) to what type of development should it apply?
24(c) who should be responsible for administering it?
24(d) what type of infrastructure should it be used for?
24(e) If not, please explain why.**

The current mechanism to front fund infrastructure has allowed for key strategic sites to be delivered within Dundee through prudential borrowing and utilising Section 75 planning obligations to recover developer contributions. A roof tax approach to fund infrastructure has provided a clear and straight forward method of calculating obligations.

The current mechanism has allowed for local priorities to be recognised and delivered and it should be ensured that the introduction of an infrastructure levy at either a national or regional levy would not be to the detriment of local decision making.

If an infrastructure levy was to be applied it would be most suitable at a regional scale and would be administered by a regional partnership as part of the delivery of a regional infrastructure strategy. A regional levy could fund key transport infrastructure and would be most applicable to major housing developments. This approach would enable an appropriate mechanism to improve the strategic delivery of new homes.

25. Do you agree that Section 3F of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 72 of the Climate Change (Scotland) Act 2009, should be removed?

Yes. This should be removed as Building Standards currently cover the requirement

Section 4: Stronger leadership and smarter resourcing

KEY QUESTION

D: Do you agree the measures set out here will improve the way that the planning service is resourced? Please explain your answer.

The paper states that the Scottish Government wants to reduce bureaucracy and improve resources so Scotland's planning system can focus on creating great places. Proposed changes include measures to improve skills and performance within the planning system; measures to make for more efficient decision making by removing the need for planning permission from a wider range of developments; and encouraging greater use of information technology such as three dimensional visualisations to improve public engagement in the planning system.

Measures to improve skills and performance should continue to build on the knowledge and experience created through developing e-planning, which brought together a wide range of stakeholders to improve the planning service. Appropriate resourcing of the planning service is key to delivering the Government's aims and outcomes. Measures should include ensuring the actual costs of the development management process are fully met by planning fees and that the local authorities are well resourced.

Education within the profession is a critical element to ensure it has the skills required to deliver outcomes. The planning profession's required skillset is broadening and therefore training courses and support should be provided to ensure the profession has the necessary skillset.

Dundee is already using information technology including three dimensional visualisations on major on projects such as the Central Waterfront and the flood defences to improve public engagement and understanding. Proposals to support the wider use of this technology are welcomed.

26. What measures can we take to improve leadership of the Scottish planning profession?

Leadership within the profession is considered to be good. More resourcing is needed to make the system work better and therefore appropriate resourcing of the planning service is key to delivering the Government's aims and outcomes. Measures should include ensuring the actual costs of the development management process are fully met by planning fees and that the local authorities are well resourced.

27. What are the priorities for developing skills in the planning profession?

Education within the planning profession is critical. Improving and developing skills within the profession is key to ensure a high level of service is provided. The skills key to development have been outlined well on Page 42(section 4.7). Smarter resourcing is key to gain improvement with leadership and project management skills being significant.

28. Are there ways in which we can support stronger multidisciplinary working between built environment professions?

A positive step for the Scottish Government would be to host and support further multi discipline training events & workshops. By working with all professional institutions this will help to develop strong synergies.

29. How can we better support planning authorities to improve their performance as well as the performance of others involved in the process?

We should continue to build on the knowledge and experience created through developing e-planning, which brought together a wide range of users/professionals/interested parties to improve the service provided.

By ensuring the actual costs of the development management process are fully met and that the Local Authorities are well resourced this would assist to improve performance. Measures should include ensuring the actual costs of the development management process are fully met by planning fees and that the local authorities are well resourced.

Education within the profession is a critical element to ensure it has the skills required to deliver outcomes. The planning profession's required skillset is broadening and therefore training courses and support should be provided to ensure the profession has the necessary skillset.

30. Do you agree that we should focus more on monitoring outcomes from planning (e.g. how places have changed)?

30(a) Do you have any ideas on how this could be achieved?

Monitoring outcomes should be an important part of a robust well functioning planning system but this can be difficult to achieve and would require clear guidance from the Scottish Government.

One major issue is that they can take many years to measure and in many cases planning is not the only driver behind a single outcome. For example the outcomes of a brownfield housing development such as the quality of place and how it has improved people's lives could take decades or even a generation to properly understand and measure. Drivers behind the change will include planning but may also include changes in local governance, health services and education.

Care must also be taken to avoid confusing outcomes with outputs. Outputs of planning could be new homes, new business premises or new city quarters. Outcomes associated with these could be the quality of place, demographics (social indices), inward investment, visitor numbers etc.

Whilst this proposal is supported, any monitoring processes must take into consideration the drivers behind outcomes and the real influence planning has had on changing places.

The utilisation of the Place Standard Tool, as a quantifiable measure of place making, has been a positive step. Dundee City Council has used this method of engagement with a wide range of

stakeholders as part of its consultation within the Local Development Plan process.

The Local Community Plan approach in Dundee also uses regular resident surveys to monitor the state of the city and to influence the Local Community Plans.

31. Do you have any comments on our early proposals for restructuring of planning fees?

A key aspect would be ensuring that planning fees cover the actual processing costs. Based on the initial proposals Dundee City Council would support an increase in maximum fee and an increase in fee for retrospective applications. Dundee City Council would also agree that the fee structure should be proportionate, reflecting the proposed development.

A fast tracking service that is linked to Processing Agreements would also be a positive step within the process. However this would require all parties/stakeholders to buy into the agreement.

32. What types of development would be suitable for extended permitted development rights?

Extending permitted development rights may have opportunities within Digital telecom and achieving the Government's wider commitment to reduce emissions / climate change. This also has the potential to impact on the fee generation structure within Local Authorities and should be carefully considered.

33. What targeted improvements should be made to further simplify and clarify development management procedures?

33(a) Should we make provisions on the duration of planning permission in principle more flexible by introducing powers to amend the duration after permission has been granted? How can existing provisions be simplified?

33(b) Currently developers can apply for a new planning permission with different conditions to those attached to an existing permission for the same development. Can these procedures be improved?

33(c) What changes, if any, would you like to see to arrangements for public consultation of applications for approvals of detail required by a condition on a planning permission in principle?

33(d) Do you have any views on the requirements for pre-determination hearings and determination of applications by full council?

The creation of an agreed national validation procedure would assist in providing clarification at a national level for applications/agents within the submission of applications. This has previously been discussed as a positive step.

It is not considered necessary to make provisions for the duration of planning permission in principle more flexible, as this may further delay development on the ground.

Conditions should be relevant to the specific permission and are required to meet the tests within the Circular. A positive step with the submission of an application to vary a condition would be to require the previous conditions to be retained as part of the approval.

Due to Dundee's situation the DM committee consists of all Elected Members therefore represents a Full Council. This establishes an efficient way of decision making, as it removes the need for further reporting to an additional Committee.

34. What scope is there for digitally enabling the transformation of the planning service around the user need?

Digital services are an important part of delivering an efficient Planning Service. The Government should continue to support and investigate the integration of technology. Dundee is already using information technology including three dimensional visualisations on major on projects such as the Central Waterfront and the flood defences to improve public engagement and understanding. Proposals to support the use of this technology by applicants are welcomed.